

Winter 2004 - Issue 2

**MEMORIAL - EHRAC**
BULLETIN:EUROPEAN HUMAN RIGHTS ADVOCACY CENTRE
EHRAC

International Human Rights Advocacy

**Russian Federation: Council
of Europe's response to the
situation in the Chechen Republic**

Simon Moss, Solicitor

This article summarises the two reports of the Secretary General of the Council of Europe (CoE) on the implementation of cooperation activities with respect to the Chechen Republic for January–March and April–June 2004.

**Implementation of Co-operation
Activities**

In an exchange of letters in December 2003, the Secretary General and the Russian Foreign Minister agreed a new, more targeted programme of co-operation between the CoE and the Russian Federation in Chechnya in 2004. Preparatory talks took place during the first few months of 2004 and in May 2004, the Russian Ministry of Foreign Affairs informed the Council of Europe that Mr. Vladimir Lukin would act as federal coordinator for the programme of activities to be implemented.

The proposed activities discussed for 2004 included a seminar on good practice in electoral matters for the electoral teams of the Presidential candidates and those NGOs observing the electoral process and the supply and installation of equipment and documents for the future Human Rights library in the Grozny State University (financed by a voluntary contribution from Japan). Further activities to follow the elections on 29 August 2004 included a study visit to a CoE member state within the programme 'Human Rights Training of Staff and Law Enforcement Agencies', human rights training for students from the state universities of Nazran and Grozny and a seminar in the field of local self-government.

**Overview of the Situation in the
Chechen Republic
(January – June 2004)**

During the year, in spite of the establishment of new political institutions, violence has continued and spread to neighbouring republics and to Moscow. This violence has included attacks against members of the military, police and security forces by illegal armed groups in Chechnya and neighbouring republics, in particular Ingushetia, and acts of terrorism such as the bomb attack in the Moscow Metro in early February 2004.

The assassination of President Kadyrov and others on 9 May 2004 gave a clear indication that peace and security were far from being restored. On 21-22 June, members of illegal armed groups carried out massive attacks in the Republic of Ingushetia reportedly killing more than 80 people. These attacks have resulted in new large-scale

security operations in Chechen towns and villages as well as in Ingushetia and the extensive use of aerial attacks in populated areas.

Democratic Institution Building

In January 2000, the Russian authorities explained that once large scale antiterrorist operations were complete, they planned to hold elections in a peaceful and democratic atmosphere. The death of President Kadyrov in May brought that process to a temporary halt. Sergei Abramov became acting president and new elections were scheduled for 29 August 2004. Doubts had been raised over the circumstances under which these elections would be held as minimum conditions for holding democratic elections did not yet appear to have been met, notably in terms of security.

By mid-June 2004, more than 10 people had informed the authorities of their intention to run for president. All chairmen of Chechen election committees would be trained in early June 2004 and Council of Europe targeted assistance could also be provided in this context.

Protection of Human Rights

The human rights situation still gave rise to very serious concern. By ratifying the European Convention on Human Rights (ECHR), the Russian Federation accepted a dual commitment. First, this means undertaking to ensure that its domestic legislation and practice complies with the ECHR and relevant case law, and secondly offering effective remedies to anyone who believes that his or her Convention rights have been violated. Nevertheless, most of the issues raised by the Secretary General

(exercising his powers under Article 52 of the Convention) in December 1999, remained valid and a significant number of applications to the European Court related to the situation in Chechnya. For example, the Russian authorities had not expressed an intention to amend the 1998 Law on the Suppression of Terrorism in accordance with recommendations made by the Joint Council of Europe/Russian Expert Group. Alarming reports continued to be made of disproportionate action causing unacceptable and unnecessary suffering to the civilian population including “targeted” security operations, bombings of populated areas, harassment of human rights defenders in Chechnya and Ingushetia, alleged extra-judicial killing and alleged torture in places of detention. In this regard the Secretary General appealed to the Russian authorities to authorise publication of the reports of the Committee for the Prevention of Torture (CPT) relevant to Chechnya. However at the time of publication of the second report no further information had been received. Information about harassment and intimidation of applicants to the European Court of Human Rights remained particularly worrying.

Restoration of the Rule of Law and the Fight Against Impunity

The Russian authorities have made considerable efforts to set up domestic courts, including the Supreme Court of the Chechen Republic. However, serious concerns had been expressed again as regards access to justice for victims of human rights abuses (or their family members). NGOs reported previously that corruption was endemic within the Chechen judicial system. Excessive length of proceedings was also particularly worrying. According to new reports, in the few instances where complaints have been successfully brought before the courts against federal servicemen who had allegedly committed serious human rights abuses, they received minimum punishment, if they were punished at all.

Prosecutors faced tremendous difficulties in investigating allegations of human rights violations, particularly when the perpetrators could be members of the military, security or police forces.

Reconstruction

According to UN agencies, unemployment and poverty rates were key obstacles to economic and social recovery. Further reconstruction efforts were being made by the Russian and Chechen authorities. Representatives

of the Russian Government visited the Chechen Republic on 15 May 2004 in order to identify priorities for the 2004-2006 period in the economic and social fields in particular. However, misappropriation of federal funds and corruption had hampered reconstruction efforts so far.

Internally Displaced Persons

According to UN agencies, over 1,200,000 individuals in the Chechen Republic and Republic of Ingushetia continued to require international humanitarian assistance. Furthermore, IDPs in Ingushetia encouraged by promises made by the authorities to offer compensation for destroyed or lost properties, decided to return to the Chechen Republic during the period April-June 2004. Serious concerns had been reported on pressure exerted on the remaining families in tent camps. According to NGOs, the Russian authorities deliberately created an insecure environment in Ingushetia to convince Chechen IDPs to return to their original place of residence. These organisations also complained that returnees were often not provided with electricity, gas or running water.

NGO Alternative Report to the UN Committee on the Elimination of Racial Discrimination (CERD)

An alternative report to CERD was prepared by a group of Russian human rights NGOs, including Memorial, the International League for Human Rights and others. The Alternative Report, endorsed by the Russian NGOs Network against Racism in January 2003, dealt with the period 1996-2001, the same period dealt with by the Russian Federation's 15th, 16th and 17th periodic reports to CERD (delivered as a consolidated report), together with new developments during 2002. It was based on information derived from a broad range of sources including complaints of people who considered themselves victims of racial discrimination, judicial and administrative cases following from these complaints, regular monitoring data, analysis of the domestic legislation and judicial practice, official statistics and mass media publications.

Summary

The Alternative Report welcomed the official report and shared a number of its evaluations and conclusions. In particular it agreed that some positive changes in national legislation had taken place in recent years and that the government had started to combat extreme racist activities

in a more active way.

However, the Alternative Report, argued that the judicial mechanisms for combating racial discrimination in Russia are ineffective and that in a number of situations the Russian Federation is egregiously violating its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Regional authorities often practise the active promotion of, or at least tolerate, blatant racial discrimination or instigation to violence and racial exclusion. The Federal government in practice neglects many opportunities to influence regional authorities

in this respect. Although in 2000--2001 the Federal government conducted a campaign to bring regional laws in to line with the Constitution of the Russian Federation, and many Federal laws were in fact changed, some legislative provisions negatively affecting human rights and leading to racial discrimination remain unamended.

The Report argued that the Russian passport system is one of the major instruments of ethnic discrimination in the public sphere and is the source of the most acute problems in this area. Russian nationals, as well as foreigners, are legally obliged to register their place of permanent (and temporary) residence. Whilst legally the system of registration is merely one of notification, in reality registration is a prerequisite for the enjoyment of civil and human rights. Controlling this passport regime has become one of the main goals of the police. Measures include checking personal identity papers and searching premises where unregistered persons might live. These measures, to a substantial degree, target ethnic minorities originating from Central Asia and the Caucasus, as well as Roma people.

In addition, the state in many cases sponsors or tolerates systematic and massive discrimination itself. This often takes the form of co-ordinated repressive campaigns targeted at certain ethnic or racial groups. Federal and regional authorities as well as their officials take part in these campaigns. In particular there have been campaigns against Chechens across the country and against the Meskhetian Turks residing in Krasnodar Krai.

The Report also identifies official support for the Cossack movement, which is involved in a significant proportion of incidents involving violence and harassment against minorities. Cossack units (acting either independently or with police support) conduct identity checks at private

dwellings and in the streets. In spite of the extremist and nationalist sentiments of many of its leaders and rank and file members, the Government has provided various kinds of support and has granted the Cossack movement some official functions and competence.

The Report also notes that the involuntary separation of pupils and classes on ethnic grounds has started recently in Krasnodar Krai. Children of Turks, Armenians, Kurds or Assyrians are placed in classes and courses separately from ethnic Russians. This practice first started in the Krymsk district and within the last two years the division of students into Slavic and non-Slavic classes has been established in the settlement of Nizhnebakanski. This is apparently justified on the basis of differing levels of fluency in Russian but in reality it is compulsory regardless of fluency.

Extreme nationalist organizations produce and disseminate racist, anti-Semitic and anti-Muslim material and some mass media, particularly regional newspapers, publish material blaming certain ethnic groups, mainly natives of the Caucasus and Roma, for deteriorating crime and economic conditions.

The Alternative Report can be found at:

**[http://www.ilhr.org/ilhr/reports/
CERD_Russia_2003.htm](http://www.ilhr.org/ilhr/reports/CERD_Russia_2003.htm)**